

107TH CONGRESS
2D SESSION

H. R. 4727

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2002

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To reauthorize the national dam safety program, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; AMENDMENT OF NATIONAL DAM**
2 **SAFETY PROGRAM ACT.**

3 (a) SHORT TITLE.—This Act may be cited as the
4 “Dam Safety and Security Act of 2002”.

5 (b) AMENDMENT OF NATIONAL DAM SAFETY PRO-
6 GRAM ACT.—Except as otherwise expressly provided,
7 whenever in this Act an amendment or repeal is expressed
8 in terms of an amendment to, or a repeal of, a section
9 or other provision, the reference shall be considered to be
10 made to a section or other provision of the National Dam
11 Safety Program Act (33 U.S.C. 467 et seq.).

12 **SEC. 2. INTERAGENCY COMMITTEE ON DAM SAFETY.**

13 Section 7(b) (33 U.S.C. 467e(b)) is amended—

14 (1) by striking “Federal and State programs”
15 and inserting “Federal programs”; and

16 (2) by striking “through—” and all that follows
17 through the period at the end and inserting
18 “through coordination and information exchange
19 among Federal agencies concerning implementation
20 of the Federal Guidelines for Dam Safety.”.

21 **SEC. 3. NATIONAL DAM SAFETY PROGRAM.**

22 (a) IN GENERAL.—Section 8(a)(3) (33 U.S.C.
23 467f(a)(3)) is amended—

24 (1) in subparagraph (B) by striking “implemen-
25 tation plan described in subsection (e)” and insert-
26 ing “strategic plan described in subsection (b)”; and

1 (2) in subparagraph (C) by striking “subsection
2 (f)” and inserting “subsection (e)”.

3 (b) DUTIES.—Section 8(b) (33 U.S.C. 467f(b)) is
4 amended to read as follows:

5 “(b) DUTIES.—The Director shall prepare a strategic
6 plan—

7 “(1) to establish goals, priorities, and target
8 dates to improve the safety of dams in the United
9 States; and

10 “(2) to the extent feasible, to establish coopera-
11 tion and coordination with, and assistance to, inter-
12 ested governmental entities in all States.”.

13 (c) OBJECTIVES.—Section 8(c) (33 U.S.C. 467f(c))
14 is amended—

15 (1) in paragraph (5) by striking “and” at the
16 end;

17 (2) in paragraph (6) by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(7) develop technical assistance materials,
21 seminars, and guidelines to improve security for
22 dams in the United States.”.

23 (d) FUNCTIONAL ACTIVITIES.—Section 8(d)(3)(A)
24 (33 U.S.C. 467f(d)(3)(A)) is amended by striking “and
25 shall be” and all that follows through the period at the

1 end and inserting “and shall be exercised by chairing the
 2 Board to coordinate national efforts to improve the safety
 3 of the dams in the United States.”.

4 (e) IMPLEMENTATION PLAN; DAM SAFETY TRAIN-
 5 ING.—

6 (1) IN GENERAL.—Section 8 (33 U.S.C. 467f)
 7 is amended by striking subsections (e) and (g) and
 8 redesignating subsections (f) and (h) as subsections
 9 (e) and (f), respectively.

10 (2) CONFORMING AMENDMENTS.—Section 2
 11 (33 U.S.C. 467) is amended—

12 (A) in paragraph (1) by striking “section
 13 8(h)” and inserting “section 8(f)”; and

14 (B) in paragraph (12) by striking “section
 15 8(f)” and inserting “section 8(e)”.

16 (f) ASSISTANCE FOR STATE DAM SAFETY PRO-
 17 GRAMS.—Section 8(e) (as redesignated by subsection (e))
 18 of this section) is amended—

19 (1) in paragraph (1) by striking “the Director
 20 shall provide assistance” and all that follows
 21 through the period at the end and inserting “the Di-
 22 rector shall provide assistance with amounts made
 23 available under section 13 to assist States in estab-
 24 lishing, maintaining, and improving dam safety pro-

1 grams in accordance with the criteria specified in
2 paragraph (2).”;

3 (2) in paragraph (2)—

4 (A) in the matter preceding subparagraph
5 (A)—

6 (i) by striking “primary”; and

7 (ii) by striking “, and for a State to
8 be eligible” and all that follows before the
9 colon;

10 (B) in subparagraph (A)—

11 (i) in the matter preceding clause (i)
12 by striking “For a State to be eligible for
13 assistance under this subsection, a State”
14 and inserting “A State”; and

15 (ii) in clause (vi) by inserting “im-
16 prove security,” before “revise operating
17 procedures,”; and

18 (3) in paragraph (3) by striking “contract”
19 each place it appears and inserting “agreement”.

20 (g) BOARD.—

21 (1) ESTABLISHMENT.—Section 8(f)(1) (as re-
22 designated by subsection (e) of this section) is
23 amended—

1 (A) by striking “The Director may estab-
2 lish” and inserting “The Director shall estab-
3 lish”; and

4 (B) by striking “to monitor” and all that
5 follows through the period at the end and in-
6 serting “to monitor the safety of dams in the
7 United States, to monitor State implementation
8 of this section, and to advise the Director on
9 national dam safety policy.”.

10 (2) VOTING MEMBERSHIP.—Section 8(f)(3) (as
11 redesignated by subsection (e) of this section) is
12 amended—

13 (A) in the paragraph heading by striking
14 “MEMBERSHIP” and inserting “VOTING MEM-
15 BERSHIP”;

16 (B) in the matter preceding subparagraph
17 (A) by striking “11 members” and inserting
18 “11 voting members”; and

19 (C) by striking subparagraphs (F) and (G)
20 and inserting the following:

21 “(F) 5 members shall be selected by the
22 Director from among State dam safety officials;
23 and

24 “(G) 1 member shall be selected by the Di-
25 rector to represent the private sector.”.

1 (3) NONVOTING MEMBERSHIP; DUTIES; WORK
2 GROUPS.—Section 8(f) (as redesignated by sub-
3 section (e) of this section) is amended—

4 (A) by redesignating paragraphs (4), (5),
5 and (6) as paragraphs (7), (8), and (9), respec-
6 tively; and

7 (B) by inserting after paragraph (3) the
8 following:

9 “(4) NONVOTING MEMBERSHIP.—The Director,
10 in consultation with the Board, may invite a rep-
11 resentative of the National Laboratories of the De-
12 partment of Energy and may invite representatives
13 from Federal or State agencies or dam safety ex-
14 perts, as needed, to participate in meetings of the
15 Board.

16 “(5) DUTIES.—

17 “(A) IN GENERAL.—The Board shall en-
18 courage the establishment and maintenance of
19 effective programs, policies, and guidelines to
20 enhance dam safety for the protection of human
21 life and property throughout the United States.

22 “(B) COORDINATION AND INFORMATION
23 EXCHANGE AMONG AGENCIES.—In carrying out
24 subparagraph (A), the Board shall encourage
25 coordination and information exchange among

1 Federal and State dam safety agencies that
2 share common problems and responsibilities for
3 dam safety, including planning, design, con-
4 struction, operation, emergency action planning,
5 inspections, maintenance, regulation or licens-
6 ing, technical or financial assistance, research,
7 and data management.

8 “(6) WORK GROUPS.—The Director may estab-
9 lish work groups under the Board to assist the
10 Board in accomplishing its goals. The work groups
11 shall consist of members of the Board and other in-
12 dividuals selected by the Director.”.

13 (4) TRAVEL EXPENSES.—Section 8(f) (as re-
14 designated by subsection (e) of this section) is
15 amended by striking paragraph (8) (as redesignated
16 by paragraph (3)(A) of this subsection) and insert-
17 ing the following:

18 “(8) TRAVEL EXPENSES.—

19 “(A) REPRESENTATIVES OF FEDERAL
20 AGENCIES.—To the extent amounts are made
21 available in advance in appropriations Acts,
22 each member of the Board who represents a
23 Federal agency shall be reimbursed of appro-
24 priations for travel expenses by his or her agen-
25 cy, including per diem in lieu of subsistence, at

1 rates authorized for an employee of an agency
2 under subchapter I of chapter 57 of title 5,
3 United States Code, while away from the home
4 or regular place of business of the member in
5 the performance of services for the Board.

6 “(B) OTHER INDIVIDUALS.—To the extent
7 amounts are made available in advance in ap-
8 propriations Acts, each member of the Board
9 who represents a State agency, the member of
10 the Board who represents the private sector,
11 and each member of a work group created
12 under paragraph (1) shall be reimbursed for
13 travel expenses by FEMA, including per diem
14 in lieu of subsistence, at rates authorized for an
15 employee of an agency under subchapter I of
16 chapter 57 of title 5, United States Code, while
17 away from home or regular place of business of
18 the member in performance of services for the
19 Board.”.

20 **SEC. 4. RESEARCH.**

21 Section 9(a) (33 U.S.C. 467g) is amended—

22 (1) in the matter preceding paragraph (1)—

23 (A) by striking “in cooperation with
24 ICODS” and inserting “in cooperation with the
25 Board”; and

1 (B) by inserting “and support” after “de-
2 velop”;

3 (2) in paragraph (1) by striking “and” at the
4 end;

5 (3) in paragraph (2) by striking the period at
6 the end and inserting a semicolon; and

7 (4) by adding at the end the following:

8 “(3) development and maintenance of informa-
9 tion resources systems needed to support managing
10 the safety of dams; and

11 “(4) initiatives to guide the formulation of ef-
12 fective public policy and advance improvements in
13 dam safety engineering, security, and manage-
14 ment.”.

15 **SEC. 5. DAM SAFETY TRAINING.**

16 The Act (33 U.S.C. 467 et seq.) is amended—

17 (1) by redesignating sections 10, 11, and 12 as
18 sections 11, 12, and 13, respectively; and

19 (2) by inserting after section 9 the following:

20 **“SEC. 10. DAM SAFETY TRAINING.**

21 “At the request of any State that has or intends to
22 develop a State dam safety program, the Director shall
23 provide training for State dam safety staff and inspec-
24 tors.”.

1 **SEC. 6. REPORTS.**

2 Section 11 (as redesignated by section 5 of this Act)
3 is amended by striking subsection (a) and all that follows
4 through “(b) BIENNIAL REPORTS.—”.

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) ANNUAL AMOUNTS.—Section 13(a)(1) (as reded-
7 igned by section 5 of this Act) is amended—

8 (1) by striking “sections 7, 8, and 10” and in-
9 serting “sections 7, 8, and 11”; and

10 (2) by striking “\$1,000,000 for fiscal year
11 1998,” and all that follows through the period at the
12 end and inserting “\$6,000,000 for each of fiscal
13 years 2003 through 2006, to remain available until
14 expended.”.

15 (b) ALLOCATION.—Section 13(a)(2) (as redesignated
16 by section 5 of this Act) is amended—

17 (1) in subparagraph (A) by striking “section
18 8(f)” each place it appears and inserting “section
19 8(e)”; and

20 (2) in subparagraph (C) by striking “needing
21 primary assistance and States needing advanced as-
22 sistance under section 8(f)”.

23 (c) RESEARCH; DAM SAFETY TRAINING; STAFF.—
24 Section 13 (as redesignated by section 5 of this Act) is
25 amended by striking subsections (c) through (e) and in-
26 serting the following:

1 “(c) RESEARCH.—There is authorized to be appro-
2 priated to carry out section 9 \$1,500,000 for each of fiscal
3 years 2003 through 2006, to remain until expended.

4 “(d) DAM SAFETY TRAINING.—There is authorized
5 to be appropriated to carry out section 10 \$500,000 for
6 each of fiscal years 2003 through 2006.

7 “(e) STAFF.—There is authorized to be appropriated
8 to FEMA for the employment of such additional staff per-
9 sonnel as are necessary to carry out sections 8 through
10 10 \$600,000 for each of fiscal years 2003 through 2006.”.

Passed the House of Representatives September 5,
2002.

Attest:

JEFF TRANDAHL,

Clerk.

By MARTHA C. MORRISON,

Deputy Clerk.